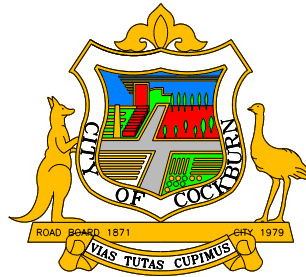


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 19 DECEMBER 2000**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 DECEMBER 2000 AT 7:30 P.M.

	Page
1. DECLARATION OF OPENING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	1
3. DISCLAIMER (To be read aloud by Presiding Member)	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member).....	1
5. APOLOGIES AND LEAVE OF ABSENCE	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
7. PUBLIC QUESTION TIME	2
8. CONFIRMATION OF MINUTES.....	2
8.1 (OCM1_12_2000) - ORDINARY COUNCIL MEETING - 21/11/00	2
8.2 (OCM1_12_2000) - SPECIAL COUNCIL MEETING - 12/12/2000	3
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE	3
10. DEPUTATIONS AND PETITIONS.....	3
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)	3
12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING	3
13. COUNCIL MATTERS	3
13.1 (OCM1_12_2000) - TENDER NO. 2/2000 (RECALLED) PUBLIC ABLUTION FACILITY AT NORTH COOGEE (2200418; 2213420) (JR) (WEST) - REVOCATION MINUTE NO. 844 COUNCIL MEETING - 21 NOVEMBER 2000 (RWB)	3
13.2 (OCM1_12_2000) - ANNUAL REPORT 1999/2000 (1712) (DMG) (ATTACH)	5
13.3 (OCM1_12_2000) - APPOINTMENT OF AUTHORISED PERSONS PURSUANT TO SECTION 9.10(1) OF THE LOCAL GOVERNMENT ACT, 1995 FOR THE PURPOSE OF ADMINISTERING THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD)	7

13.4	(OCM1_12_2000) - APPOINTMENT OF A CLASS OF PERSONS TO BE AUTHORISED PERSONS PURSUANT TO SECTION 9.10(1) OF THE LOCAL GOVERNMENT ACT 1995 FOR THE PURPOSE OF ADMINISTERING THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD)	8
13.5	(OCM1_12_2000) - HOPE VALLEY-WATTLEUP REDEVELOPMENT - APPOINTMENT OF COUNCIL REPRESENTATION (RWB) (9311) (ATTACH)	10
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES.....	12
14.1	(OCM1_12_2000) - HEALTH ACT AMENDMENT - SCHEDULE 2 - OFFENSIVE TRADES - MCNIECE (4412617/4309104/1132/1125) (SMH) (ATTACH)	12
14.2	(OCM1_12_2000) - CITY OF COCKBURN INQUIRY - RECOMMENDATIONS 4, 5 AND 6 - RESPONSE (1335) (SMH)	16
14.3	(OCM1_12_2000) - ITEM RAISED BY QUESTION TIME AT MEETING 21 NOVEMBER 2000 - MOBILE PHONE TOWERS (9003) (SA)	20
14.4	(OCM1_12_2000) - PROPOSED SCHOOL EXTENSION (CLASSROOM/STORE/TOILETS) - LOT 67; 4 HOMESTEAD ROAD, BIBRA LAKE - OWNER: BLUE GUM MONTESSORI CHILDRENS CENTRE INC. - APPLICANT: MICHAEL BURT HOMES PTY LTD (1108028) (RH) (MAP 13) (ATTACH)	24
14.5	(OCM1_12_2000) - MODIFICATIONS TO AMENDMENT NO. 193 - DEVELOPER CONTRIBUTION REQUIREMENTS (92193) (SOS)	26
14.6	(OCM1_12_2000) - ENERGY CONSERVATION PROGRAM - LIGHTING IN THE ADMINISTRATION BUILDING (6018) (PS/CB)	29
14.7	(OCM1_12_2000) - AMENDMENT NO. 192 - STRUCTURE PLANNING - MODIFICATIONS TO AMENDMENT TEXT (92192) (SOS) (ATTACH)	30
14.8	(OCM1_12_2000) - COMPLAINT TO COURT OF PETTY SESSIONS - FAILURE TO CARRY OUT REQUISITIONS OF NOTICE TO BRING BUILDING INTO COMPLIANCE WITH APPROVAL OF COUNCIL - LOT 3 PT, CNR ROCKINGHAM/COCKBURN ROADS, HAMILTON HILL - OWNER: KEE-VEE PROPERTIES (2212274) (VG)	36
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....	37
15.1	(OCM1_12_2000) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)	37
15.2	(OCM1_12_2000) - COOGEE BEACH RESTAURANT/SHOP PROPOSAL - MARKET RESEARCH (3300004) (KJS)	38
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	40
16.1	(OCM1_12_2000) - TENDER NO. 2/2000 (RECALLED) - PUBLIC ABLUTION FACILITY AT NORTH COOGEE (2200418) (2213420) (JR) (WEST) (ATTACH)	41
16.2	(OCM1_12_2000) - CONTRIBUTION TO NATIONAL ROADS FUNDING CAMPAIGN (5911) (BKG)	43
16.3	(OCM1_12_2000) - PRIORITY OF WORKS - GERALD STREET TRAFFIC MANAGEMENT TREATMENT (450037) (BG/JR) (WEST)	45
17.	COMMUNITY SERVICES DIVISION ISSUES.....	48
17.1	(OCM1_12_2000) - DONATION - COMMUNITY POLICING VAN (8950) (DMG)	48

17.2	(OCM1_12_2000) - SOUTHERN DISTRICTS INLINE HOCKEY HIRE AGREEMENT FOR USE OF THE JOE COOPER RECREATION CENTRE (8140) (DMG) (ATTACH)	52
17.3	(OCM1_12_2000) - BEELIAR (PANORAMA GARDENS) (9519) (RA)	55
18.	EXECUTIVE DIVISION ISSUES	59
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	59
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	59
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS.....	59
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE	59
23.	CONFIDENTIAL BUSINESS	59
24.	RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995).....	59
25.	CLOSURE OF MEETING	60

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 DECEMBER 2000 AT 7:30 P.M.

1. **DECLARATION OF OPENING**

2. **APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)**

3. **DISCLAIMER (To be read aloud by Presiding Member)**
Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

5. **APOLOGIES AND LEAVE OF ABSENCE**

6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Ordinary Council Meeting - 21 November 2000 - Public Question Time -
Mrs V. Oliver raised concerns about safety with respect to newly installed traffic calming devices in Waverley Road, Coolbellup.

After investigation, the Director Engineering advised Mrs Oliver that the devices were installed in response to the community's request to slow down traffic. The devices were designed by qualified engineers to Australian Standard and were installed to reduce traffic speed to 40kph. There was some initial difficulty with buses but the kerbs have now been modified to accommodate the buses requirements.

Ordinary Council Meeting - 21 November 2000 - Public Question Time -
Mr K. Allen, representing the Coogee Progress Association, requested that Council place a moratorium on any further phone tower applications until the newly elected Council was in place to review Council's policy.

Cmr Donaldson advised that the CEO would ensure that the issue of a moratorium was placed on the next Council Agenda. It should be noted that such an item is listed for Council's consideration at the Ordinary Council Meeting of 19 December 2000 as agenda item 14.3.

Ordinary Council Meeting - 21 November 2000 - Public Question Time -
Ms L. Robson of Coogee asked why the Commissioners had not responded to her letter regarding research on impact of mobile phone towers in England and Europe.

Cmr Donaldson responded that he had not seen her letter but would investigate and respond in writing. However all efforts to locate Ms Robson's letter were unsuccessful. Ms Robson is not listed as a ratepayer nor in the telephone directory so Council has been unable to contact her.

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM1_12_2000) - ORDINARY COUNCIL MEETING - 21/11/00

That the Minutes of the Ordinary Council Meeting held on Tuesday, 21 November 2000 be confirmed as a true and accurate record.

8.2 (OCM1_12_2000) - SPECIAL COUNCIL MEETING - 12/12/2000

That the Minutes of the Special Council Meeting held on Tuesday, 12 December 2000 be confirmed as a true and accurate record.

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE**10. DEPUTATIONS AND PETITIONS****11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)****12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING****13. COUNCIL MATTERS****13.1 (OCM1_12_2000) - TENDER NO. 2/2000 (RECALLED) PUBLIC ABLUTION FACILITY AT NORTH COOGEE (2200418; 2213420) (JR) (WEST) - REVOCATION MINUTE NO. 844 COUNCIL MEETING - 21 NOVEMBER 2000 (RWB)****RECOMMENDATION**

That Council revoke Minute No. 844 as adopted by Council at its meeting of 21 November 2000, as follows :-

"MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) accept the tender from Dalcon Construction Pty Ltd for Tender No. 2/2000 (Recalled) - Public Ablution Facility at North Coogee in the sum of \$110,196 plus GST, which includes a septic tank and leach drain system; and
- (2) approve the re-allocation of \$35,000 from the Budget item

Replace Manning Park Toilets (account no. 580755) to the item Robb Jetty Beach Park Toilet Block (account no. 580820) and the Budget be amended accordingly."

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council, at its meeting of 21 November 2000, accepted a staff recommendation relating to the acceptance of a tender for the construction of an ablution facility at North Coogee.

Submission

The Chairman of Commissioners, following discussion with the Chief Executive Officer, provided by letter dated 22 November 2000, notice of intention to seek the revocation of the following resolution of Council which was taken at the Council meeting of 21 November, 2000:-

That Council:

- (1) accept the tender from Dalcon Construction Pty Ltd for Tender No. 2/2000 (Recalled) - Public Ablution Facility at North Coogee in the sum of \$110,196 plus GST, which includes a septic tank and leach drain system; and*
- (2) approve the re-allocation of \$35,000 from the Budget item Replace Manning Park Toilets (account no. 580755) to the item Robb Jetty Beach Park Toilet Block (account no. 580820) and the Budget be amended accordingly.*

Report

Council, at its meeting of 21 November 2000, adopted a staff recommendation to accept a tender from Dalcon Construction Pty Ltd for tender no. 2/2000.

The tender price had been wrongly stated as \$110,196 plus GST. The figure should have been \$101,146 plus GST.

The tender documents provided for two options:

- 1) a price for the construction including an environmental biocycle system;
- 2) a price for the construction including a septic tank and leach drain system.

The recommendation was for the septic tank and leach drain system.

The price recommended of \$110,196 was for the environmental biocycle system and not for the septic tank system.

The revocation notice has enabled the Council decision to be put on hold subject to further Council consideration.

Council's Standing Orders provides that an absolute majority of Council is required for the revocation (ie: six(6))

Attendance at the meeting by the person giving notice is not required.

Strategic Plan/Policy Implications

Nil

Budget/Financial Implications

The revocation will place Council in the same position as it was before the decision was taken.

Any subsequent acceptance of the tender will address the issue of financial implications.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

13.2 (OCM1_12_2000) - ANNUAL REPORT 1999/2000 (1712) (DMG) (ATTACH)

RECOMMENDATION

That Council accept the Annual Report for the 1999/2000 Financial Year, as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995.

COUNCIL DECISION

Background

Council is required to accept the 1999/2000 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Monday 5 February, 2001. The Act requires Council to accept the Report by no later than 31 December, 2000.

Submission

N/A

Report

The Annual Report for the 1999/2000 Financial Year is in conformity with the requirements of the Act and contains the following:

- (1) Chairman of Commissioners Report.
- (2) Chief Executive Officer's Report.
- (3) 1999/00 Principal Activities Report and Assessment Against Performance.
- (4) Legislative Review Report/Competitive Neutrality Statement.
- (5) Financial Report.
- (6) Auditor's Report.
- (7) Overview of Principal Activities proposed during the 2000/01 – 2003/04 period.

Strategic Plan/Policy Implications

Council Policy A1.1 refers.

Budget/Financial Implications

The cost of producing 500 copies of the Report (est. \$11,000) is provided for in Council's Governance Budget.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.3 (OCM1_12_2000) - APPOINTMENT OF AUTHORISED PERSONS PURSUANT TO SECTION 9.10(1) OF THE LOCAL GOVERNMENT ACT, 1995 FOR THE PURPOSE OF ADMINISTERING THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD)

RECOMMENDATION

That Council:

- (1) formally appoints the persons herein mentioned pursuant to section 9.10(1) of the Local Government Act 1995 to administer the areas of responsibility the City of Cockburn (Local Government Act) Local Laws 2000 as mentioned:

Authorised Person	Area of Responsibility
Allen James Blood	Division 5 of Part IX – Streets and Public Places (street numbering)
Allan Wilfred Conroy Lawrence John Murnane	Sections 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8 of Part IX – Streets and Public Places except section 9.5(b)

(2) issue to each authorised person, a Certificate stating the authority for production as required, pursuant to section 9.10(2) of the Local Government Act 1995.

COUNCIL DECISION

Background

The City of Cockburn (Local Government Act) Local Laws 2000 were published in a Special Gazette on 9 October 2000 and came into operation on 23 October 2000.

Council, at its meeting of 17 October 2000, appointed various persons to be authorised persons to administer specific areas of the local laws.

Submission

N/A

Report

It is stipulated within the Local Government Act 1995, that authorised persons are to be appointed by the local government to administer the local laws.

It is considered appropriate for an additional person to be authorised to deal with street numbering allocations, as currently there is only one Council officer with that authority. Should that officer be absent or on extended leave, it is probable that street number allotments for any new subdivisions will be unduly delayed, unless another officer is available to undertake that function.

Similarly, it is considered necessary for persons from Council's Parks Service Unit to be authorised to administer those parts of the Local Law dealing with street verges and gardens and contained within the Streets and Public Places provisions. Consequently, two senior Council employees representing the Parks Service, are recommended for inclusion as Authorised Persons for these purposes.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.4 (OCM1_12_2000) - APPOINTMENT OF A CLASS OF PERSONS TO BE AUTHORISED PERSONS PURSUANT TO SECTION 9.10(1) OF THE LOCAL GOVERNMENT ACT 1995 FOR THE PURPOSE OF ADMINISTERING THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD)

RECOMMENDATION

That Council:

- (1) pursuant to section 9.10(1) of the Local Government Act 1995, formally appoints that class of persons who perform the duties of Cashier, as authorised persons in accordance with section 9.17 of the Local Government Act 1995;
- (2) pursuant to section 9.10(1) of the Local Government Act 1995, formally appoints that class of persons who perform the duties of a Divisional Director, as authorised persons in accordance with sections 9.19 and 9.20 of the Local Government Act 1995; and

- (3) issue to each class of persons, a Certificate stating the authority for production as required, pursuant to section 9.10(2) of the Local Government Act 1995.

COUNCIL DECISION

Background

The City of Cockburn (Local Government Act) Local Laws 2000 were published in a Special Gazette on 9 October 2000 and came into operation on 24 October 2000.

Submission

N/A

Report

The previous appointments of authorised persons were of a general nature, providing for the administration of the local laws. These subsequent appointments are more specific. For example, there must be an authorised person appointed to collect the payment of infringement notices. The Cashier receipts the monies paid to Council and therefore, this class of person needs to be appointed as an authorised person for the purposes of section 9.17 of the Local Government Act 1995, which deals with the type of information which must be contained on infringement notices issued by Council.

The general administration of the local laws provides for the issuing of infringements and such previous appointments are not eligible to administer sections 9.19 and 9.20 of the Act. Section 9.19 of the Act deals with the Extension of Time to pay a modified penalty beyond the prescribed period of 28 days. Section 9.20 deals with the Withdrawal of Infringement Notices. In the absence of specific persons being authorised to undertake this administrative function, it is recommended that Divisional Directors be nominated as a collective class of persons to perform this function.

Because the Act stipulates that persons authorised to issue infringement notices cannot administer these sections, then a specific class of person must be appointed.

In administering the aforementioned sections, a written request by the person who issued the infringement notice must be provided, explaining why an extension of time to pay the infringement notice

should be granted and also a report by the issuing officer must be produced, showing good cause why any infringement notice should be withdrawn prior to the withdrawal being approved.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” Refers.

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.5 (OCM1_12_2000) - HOPE VALLEY-WATTLEUP REDEVELOPMENT - APPOINTMENT OF COUNCIL REPRESENTATION (RWB) (9311) (ATTACH)

RECOMMENDATION
That Council appoint:

- (1) Clr as the City of Cockburn's representative on the Hope Valley/Wattleup Redevelopment Reference Group, with Clr as the Deputy.
- (2) the Chief Executive Officer as the City of Cockburn's representative on the Hope Valley/Wattleup Redevelopment Working Group, with the Director, Planning & Development as the Deputy.

COUNCIL DECISION

Background

Council submitted a comprehensive response to the FRIARS proposal.

Recently, legislation was passed through Parliament providing for the long term development of the area contained in the FRIARS project area.

The area has been removed from Council's Town Planning Scheme and all planning approvals are to be done by the State Planning Commission.

Submission

N/A

Report

With the passage of the Hope Valley-Wattleup Redevelopment Legislation through parliament, Landcorp are now in the process of commencing implementation. Landcorp have issued an invitation for membership to the Hope Valley-Wattleup Redevelopment Committee. This Committee will administer the implementation process and provide an effective means for liaison between stakeholders and the community. Three levels of Committee are being established:

1. **Steering Group.** This consists of the CEO's of Ministry for Planning, Landcorp and the Department of Resources and Development.
2. **Working Group.** This is to consist of officers from Landcorp, Ministry for Planning, Cockburn City Council, Town of Kwinana, Department of Resource Development, Department of Environmental Protection and Landcorp.
3. **Reference Group.** This consists of the CEO of Landcorp, Councillors from the Town of Kwinana and the Cities of Rockingham and Cockburn, a representative from the Kwinana Air Quality Buffer Zone Group, a representative from Kwinana Industry Council and six(6) community representatives chosen from expressions of interest.

The purpose, functions and meeting frequency of each group are included in the Committee Briefs (see Attachments).

Given that the Hope Valley-Wattleup Redevelopment is now enshrined in Legislation, Council should be represented as strongly as possible to ensure the best outcome for the City of Cockburn as a result of the implementation process. The only issues expected to be confidential, are those to do with the consideration of tenders for consultants to prepare the Master Plan.

The invitation from Landcorp specifies the CEO of the City of Cockburn as the representative however, it has been confirmed that professional advice from the City's professional officers is appropriate during the process and that a deputy can be appointed if required.

Meetings of the Reference Group are expected to be every six(6) weeks at the Wattleup Office during the day.

Strategic Plan/Policy Implications

Nil

Budget/Financial Implications

Nil

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_12_2000) - HEALTH ACT AMENDMENT - SCHEDULE 2 - OFFENSIVE TRADES - MCNIECE (4412617/4309104/1132/1125) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) request the Western Australian Planning Commission to delete the definition of Industry - General, Industry - General (Licensed) and Industry - Noxious contained in proposed Town Planning Scheme No. 3, because of the recent amendment to Schedule 2 of the Health Act - "Offensive Trades", and replace with:-

"Industry - General means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry."

and

"Industry - Noxious means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, and includes the waste disposal site for disposal of liquid or dry waste of any nature, but does not include a dry cleaning establishment or laundry."

and to amend Table 1 Zoning Table to delete reference to General (Licensed);

- (3) advise the following applicants affected by the change to

Schedule 2 of the Health Act, that they may wish to reapply, namely:-

- Milne Feeds - Hay Baling Plant - 42 (Lot 30) Howson Way, Bibra Lake
- Mortons Seed and Grain Merchants - Grain Handling Operation - 42 (Lot 30) Howson Way, Bibra Lake
- Western Resource Recovery - Liquid Waste Treatment Facility - 9 (Lot 197) Cocos Drive, Bibra Lake;

(4) include in the next issue of "Cockburn Soundings", an article advising the residents and ratepayers of Cockburn, that the McNiece ruling now has no effect due to a recent change to Schedule 2 - Offensive Trades of the Health Act.

COUNCIL DECISION

Background

In 1996, Western Resource Recovery made an application to establish a Liquid Waste Treatment Plant at Lot 197 Cocos Drive in Bibra Lake. The application was ultimately refused by Council on the basis that it was a 'Noxious Industry' and not permitted within the General Industrial zone.

Because the proposed use was deemed not to be permitted ('X') in the General Industrial zone, there was no right of appeal by the applicant.

Subsequently, the applicant initiated a damages claim against the Council. This matter is currently being handled by Council's Insurer.

The reason why Western Resource Recovery was deemed to be noxious, was because the definition of Noxious Industry under the Council's Scheme which relates to Offensive Trades specified in Schedule 2 of the Health Act.

The particular words were:-

"...or any trade, business, process, or manufacture whatsoever causing effuvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or any noxious or offensive trade, business, or manufacture;

and any trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district."

These words represented difficulties for most local governments throughout the State in respect to the ability to provide for 'traditional' types of industries in the General Industrial zone.

Because of this, the matter was taken up by the Ministry for Planning and the Health Department of WA, in order to identify a way of resolving the problem associated by the McNiece decision of 1984 and more recently, the Saracen Properties decision of 1999.

In an endeavour to address the issue, Council adopted proposed Town Planning Scheme No. 3 which introduced complementary definitions to General, General (Licensed) and Noxious Industry to overcome the limitations imposed by the McNiece decision. This was a reasonable approach in the circumstances.

Two other applications which remain outstanding, also caught by the 'McNiece' decision, namely Milne Feeds and Morton Seed and Grain Merchants, were deemed to be 'noxious' industries in the General Industrial zone.

Submission

On 17 November 2000, Schedule 2 of the Health Act was changed, (Gazette 6289) to delete the words at the end of the Schedule that catches all trades that, unless preventative measures are adopted, become a nuisance to the health of the inhabitants of the district were for the purposes of the Act Offensive Trades.

This means only those uses specifically listed in Schedule 2 are now Offensive Trades under the Health Act.

A copy of the Gazettal is attached to the Agenda.

A copy of the Client Bulletin from McLeod and Co - "Urgent Notification of Significant Change to the Planning Law" is attached to the Agenda.

A copy of the amended Schedule 2 of the Health Act is attached to the Agenda.

Report

The change to the Act now makes the definitions contained in proposed Town Planning Scheme No. 3 relating to General, General (Licensed) and Noxious Industries, superfluous and the Scheme can now be made to comply with the Model Scheme Text in relation to the definition of General Industry, subject to reference to noxious industry being included.

However, the Model Scheme Text does not contain a definition of Noxious Industry, which was omitted because of the problems with the McNiece decision. A definition of noxious industry should however, be included similar to that in District Zoning Scheme No. 2, to enable the Council to prohibit these types of uses within the district, except where specifically provided for in the Special Industry A and B zones.

Given that Council made decisions in the past based on the "McNiece" interpretation of Schedule 2 of the Act, it is appropriate and proper for the Council to advise those applicants that have had applications recently determined by Council, that because of the changes to Schedule 2, they may want to consider reapplying.

The applicants involved are Milne Feeds, Mortons Seed and Grain Merchants and Western Resource Recovery. These uses are now deemed to be permitted uses 'P' within the General Industrial zone under District Zoning Scheme No. 2.

Had the Council determined that the treatment of liquid waste by Western Resource Recovery not been an industry, according to options provided by the Council's legal advisor, then this application could have been treated as a use not listed and therefore, not been permitted unless the Council decided otherwise by an absolute majority. However, the Council decided that the treatment of liquid waste was an industry and because of this, should now be dealt with as a general industrial use.

In the meantime, the legal firm representing Council's insurer dealing with Western Resource Recovery, has been advised of the change to Schedule 2 and similarly, Council's solicitor has been advised to notify Milne Feeds and Morton Seeds accordingly. This was important because two were subject to legal action and one legal advice.

It is considered that the community should be advised of the impact of this decision.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City

- *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.2 (OCM1_12_2000) - CITY OF COCKBURN INQUIRY - RECOMMENDATIONS 4, 5 AND 6 - RESPONSE (1335) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the public via the next issue of "Cockburn Soundings", that Council has now actioned all of the recommendations made by the Inquirer in Volume 3 of the Report of the Inquiry into the City of Cockburn, to the satisfaction of the Minister for Local Government;
- (3) based on the response by the Minister dated 15 November 2000 in respect to Recommendation R4, that subject to the agreement of the Minister for Local Government, commence to provide conditional advice to the WAPC in respect to the clearance of subdivision conditions relating to cash-in-lieu payments in the Private Owners' Arrangement;
- (4) advise the WAPC of its decision in (3) accordingly, together with a request that the Notes relating to the payment of cash-in-lieu attached to the condition of subdivision for land within the Packham Urban Development Area, be re-worded to make reference to the payments being received by the Project Manager for the Development Area for those landowners who are participants in the Private Owners' Arrangement.

COUNCIL DECISION

Background

The Report of the Inquiry into the City of Cockburn made twelve(12) recommendations.

The Council was required to respond to each of the recommendations. In respect to Recommendations R4, R5 and R6, further legal advice was required to be sought, namely:-

"(a) Review of Packham Area subdivision conditions

R4 *I recommend that the City -*

- (a) *obtain further legal advice on the question whether, and if so how, cash-in-lieu payments made by participants in the Private Owners' Arrangement can lawfully be made to Urban Focus rather than to the City; and*
- (b) *refrain from giving any further clearances in respect of subdivision conditions relating to cash-in-lieu payments by participants in the Private Owners' Arrangement until it is satisfied that the payments have been made lawfully in accordance with the subdivision conditions.*

[Para. 4.12.29]

(b) Review of payment of \$63,700

R5 *I recommend that -*

- (a) *the City obtain further legal advice on the questions of whether -*
 - (i) *the payment of \$63,700 made by Urban Focus to the City on 24 December 1996 was required to be made to the City in accordance with the conditions of subdivision approval applying to State 16; and*
 - (ii) *the "refund" of \$63,700 by the City to Urban Focus on 17 February 1999 was lawful; and*
- (b) *if the refund was unlawful, the City take appropriate action to recover the money from Urban Focus.*

[Para. 4.12.35]

(c) Review of payment of \$222,934

R6 *I recommend that the City, in consultation with the Department of Local Government-*

- (a) *seek further legal advice on the question of whether it would be lawful to treat payment of the sum of \$222,934 by the City to Urban Focus as having been made from the interest accrued in respect of the City's section 20C account; and*
- (b) *pursue a solution to this problem that is lawful and proper.*

[Para. 4.12.58]"

In respect to Recommendation R6, in a letter dated 21 June 2000, the Department of Local Government advised that it would be pursuing the matter with the Crown Solicitor's Office.

As far as Recommendations R4 and R5 were concerned, the Commissioners decided to appoint an independent legal firm (Corrs Chambers Westgarth) for the opinion required in Recommendation R4 (a) and R5 (a)(i),(ii) and (b).

The Council dealt with Recommendation R4 (b) at its meeting on 23 May 2000, where it resolved to advise the WAPC that the Council would no longer be responsible for the issue of clearances in relation to conditions of subdivision for land in the Packham Urban Development Area, where the local government (LG) has been designated the clearance authority. This decision was conveyed to the WAPC on 12 June 2000.

On 8 September 2000, Council received its advice from Corrs Chambers Westgarth and this was forwarded under a covering letter to the Minister for Local Government for his consideration on 28 September.

Submission

On 19 September 2000, the Minister for Local Government advised in respect to Recommendation R6 that:-

"I refer to the City's response of 8 June 2000 to Recommendation Six of the Douglas Inquiry into the City of Cockburn. You were advised on 21 June 2000 that the Department of Local Government would be pursuing the matter so as to determine an appropriate outcome.

Section 8.24(1) of the Local Government Act 1995 allows the Minister to decide what action (if any) to take in respect of an Inquiry Panel's report.

In relation to Recommendation Six, I have decided that no further action need be taken to satisfy the recommendation.

I trust this finalises the matter for the City."

On 15 November 2000, the Minister for Local Government advised in respect to Recommendation R4 and R5 that:-

"I refer to the City's response of 28 September 2000 to Recommendations 4 and 5 of the Douglas Inquiry into the City of Cockburn and to the enclosed copy of legal advice sought by the City as required by those recommendations.

Section 8.24(1) of the Local Government Act 1995 allows the Minister to decide what action (if any) to take in respect of an Inquiry Panel's report.

After considering the City's response and the legal advice supplied, I have decided that Council by its resolution of 23 May 2000 has satisfied the requirement of Recommendation 4 and that no further action need be taken on the requirements of Recommendation 5.

I trust this finalises the matter for the City."

Report

This means that the Council has dealt with all of the recommendations made by the Inquirer in relation to the Inquiry into the City of Cockburn, to the satisfaction of the Minister for Local Government and no further action by the Council is required.

The community should be advised accordingly.

In respect to Recommendation R4(b), implicit in the Minister's letter of 15 November 2000, the payment of cash-in-lieu monies to Urban Focus in accordance with the Private Owners' Arrangement, is deemed to be lawful and therefore, the Council should resume its responsibility as the authority responsible for issuing conditional clearance advice to the WAPC.

However, the decision by Council to resume this responsibility, should be subject to the confirmation of the Minister that this assumption is correct.

Furthermore, the note attached to any subdivision approval for land in the Packham Urban Development Area where cash-in-lieu may be paid to the Project Managers in accordance with the adopted Structure Plan and the Private Owners' Arrangement, needs to be worded in such a way as to make it clear that the payment is acceptable to the Commission.

Strategic Plan/Policy Implications

1. Managing Your City

- *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.3 (OCM1_12_2000) - ITEM RAISED BY QUESTION TIME AT MEETING 21 NOVEMBER 2000 - MOBILE PHONE TOWERS (9003) (SA)

RECOMMENDATION

That Council:

- (1) resolve not to impose a moratorium on assessing mobile phone tower applications and continue to assess applications on their individual merits;
- (2) continue the review of its policy, as resolved at its meeting held on 21 November 2000, which will identify areas within the district which will be either acceptable or unacceptable for the location of mobile telephone towers;
- (3) advise Mr John Grljusich and the Coogee Progress Association of Council's decision accordingly; and
- (4) provide Councillors with up to date relevant information relating to telecommunications for their consideration.

COUNCIL DECISION

Background

During question time at the November Ordinary Council meeting, a number of residents made statements and raised issues regarding

mobile phone towers in the district which included the following statements:-

Kevin Allen :

"that the Coogee Progress Association had forwarded Council two motions from its last meeting which have not been mentioned in the agenda report. Those motions requested Council to reject the placement of the mobile phone tower at Rotary Lookout; and requested Council to place a moratorium on any further mobile phone tower applications until the newly elected Council was in place to review Council's policy.

John Grljusich :

"felt that the issue of all mobile phone towers has given many people great concern. Until these matters are resolved, he supported a moratorium on phone towers in this district. Read the following statement regarding mobile telephone towers and then tabled the document for consideration by the next Council.

"Mobile telephone towers are installed under the provisions of the Telecommunications Act 1997 (Commonwealth Government Act) and is exempt from the operation of some State and Local Laws. This exemption applies if the facilities fit the description of "Low Impact facilities". This "Low Impact Facility" does not mean low impact from a radiation point of view, it relates to the low impact from a visibility point of view.

This type of facility is exempt from Council's planning and development procedures. However, the Council should write to the Commonwealth Government requesting that such facilities are installed in:

1. *low density rural areas;*
2. *away from high density areas such as high density housing, schools, shopping centres etc;*
3. *in such a manner as to comply with the World Health Organisations Standards; and*
4. *in a manner as not to adversely impact on the amenity of the areas.*

Towers to provide facilities should be provided in common and strategically located with all companies so that they are planned and organised in an orderly manner."

Other residents at the meeting supported the moratorium of mobile phone tower applications.

In addition, there were a number of submissions made seeking a moratorium in regards to telecommunications facilities in the City of Cockburn. These submissions were responded to in accordance with Council's decision.

Submission

N/A

Report

As stated previously by Council Officers, the issue of mobile phone towers has become very emotive in the community. Applications provoke a vocal response from landowners. The City of Cockburn has experienced this with recent applications. As the carriers are upgrading their network in the City, there has been a proliferation of applications for mobile phone facilities. It is important that the City establish a clear and consistent practice when dealing with new mobile phone towers. It should be noted that most telecommunications infrastructure is exempted from requiring local government approval under the Telecommunications Act 1997, as it deems most types of facility 'low-impact'.

One of the major concerns in relation to this application, is the unknown long term health risks associated with electromagnetic energy (EME). There has been some publicity recently in newspapers concerning the perceived health effects of EME. Residents would rather 'be safe than sorry' in this matter.

In making a decision, Council should be led by the opinion of the relevant government authorities. The Electromagnetic Energy Public Health Committee, part of the Federal Department of Communications and the Arts, has put out a facts sheet which states the following:

- The weight of national and international scientific opinion is that there is no substantiated evidence that living near a mobile phone tower causes adverse health effects;
- The Australian Standard AS2772.1 has established exposure limits to EME and EME from a tower is far below that limit;
- EME has been around for 100 years or more, when wireless telegraphs were developed.

On currently available evidence, it cannot be said that phone towers are a health risk however, this is not a guarantee that evidence of health risks will not become available in the future as research is ongoing into the long term effects. As it stands, Council's decision should be based on current available evidence.

Another major reason for opposition, is the detrimental impact of the proposal on the visual amenity of a locality and its surroundings. Carriers need to maintain a line of sight between facilities in order to create the linkage and coverage required for phone usage. This is why carriers prefer prominent locations to maintain "the line of sight" and improve network coverage. As the number of sites increases, the City must manage the location of new towers to minimise their impact on the skyline. Clearly the preference is for the towers to be in industrial or rural areas, where visual amenity is not such a concern. Council Policy PD32 "Location of High Voltage Overhead Power Lines and Microwave Towers" states:

"The siting of mobile telephone towers is to be located where possible within industrial, commercial or other non-residential zoned land within the district and as far as possible from any residences."

Council's Development Services Officers are reviewing the existing Council policies with a view to identifying areas of exclusion and areas where phone towers could be located.

In regard to the request that Council place a moratorium on any further mobile phone tower applications, this should not be supported because the Council, as a responsible planning authority, should consider each application on its merits in accordance with the law and any relevant policies.

Furthermore, there needs to be a dissemination of relevant up to date information relating to telecommunications to all elected members. This information should include a summary of the Telecommunication Act and its implications, an understanding of the Telecommunication Carrier's Code of Practices, a review of how other local governments are dealing with telecommunication issues and Council's legal requirements in dealing with Telecommunication Carriers. Once this information is collected, it will be forwarded to Councillors.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

PD31* Telecommunications Policy - High Impact Facilities
PD32 Location of High Voltage Overhead Power Lines and
Microwave Towers

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.4 (OCM1_12_2000) - PROPOSED SCHOOL EXTENSION (CLASSROOM/STORE/TOILETS) - LOT 67; 4 HOMESTEAD ROAD, BIBRA LAKE - OWNER: BLUE GUM MONTESSORI CHILDRENS CENTRE INC. - APPLICANT: MICHAEL BURT HOMES PTY LTD (1108028) (RH) (MAP 13) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed school extension on Lot 67; 4 Homestead Avenue subject to the following conditions:
 1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of the Town Planning Scheme – District Zoning Scheme No. 2;
- (2) issue a MRS Form 2 Notice of Approval valid for a period of 24 months;
- (3) advise those who made submissions of Council's decision accordingly; and
- (4) liaise with the Blue Gum Montessori Childrens Centre in regard to their future expansion plans.

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL R15
LAND USE:	EDUCATIONAL ESTABLISHMENT	
LOT SIZE:	2101 sq.m	
AREA:	74 sq.m	
USE CLASS:	AA	

Submission

Council received an application, dated 7 November 2000, for a proposed extension to the existing Blue Gum Montessori School. The submitted plans indicated the construction of a new classroom, storage area and toilets. The school currently caters for children from Pre-school to Grade 2. The extensions will allow Grade 3 students to attend the school.

In accordance with the requirements of Council's District Zoning Scheme No. 2, the proposal was advertised for public comment for 21 days and was referred to sixteen(16) surrounding land owners. Two (2) submissions were received. A schedule of the submissions is included in the agenda attachments.

Report

Concerns raised as a result of the submissions from neighbouring residents, were the possible increase in crime due to the increase in size of the school, as well as noise and traffic problems. The issues relating to increased criminal activity are not relevant planning matters.

The noise that has caused a nuisance to the surrounding neighbours, is mainly that created through maintenance work undertaken on the site on weekends and after hours. A standard condition that would be applied as part of the approval to ensure the amenity of neighbours, is "No activities causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am, Monday to Saturday and not at all on Sunday." The development must also comply with the Environmental Protection (Noise) Regulations 1997 and must not exceed the levels set by these regulations at the boundary of the property.

Concerns raised in a submission relating to the issue of expansion of the site, will be addressed by Council officers in a meeting with the Blue

Gum Montessori Childrens Centre and it is proposed that as a result of this meeting, a plan for the future expansion will be determined.

The matters relating to traffic not complying with the 40 km/hr school zone are not able to be solved in the planning process and are a Police matter. The proposed development is in compliance with Council requirements for on site carparking and access. It is therefore recommended that the proposed school extension be approved, subject to approval conditions.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

- PD1* Compliance With Conditions of Planning Approval
PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.5 (OCM1_12_2000) - MODIFICATIONS TO AMENDMENT NO. 193 - DEVELOPER CONTRIBUTION REQUIREMENTS (92193) (SOS)

RECOMMENDATION

That Council:

- (1) modify Amendment No. 193 by substituting the proposed title of the Tenth Schedule "Owner Development Areas" with "Development Contribution Plans" in accordance with the

requirements of the Hon Minister for Planning, as outlined in the Western Australian Planning Commission's letter of 17 November 2000; and

- (2) forward the modified documents to the Western Australian Planning Commission for the Minister's endorsement.

COUNCIL DECISION

Background

Amendment No. 193 proposes the introduction into District Zoning Scheme No. 2, of provisions governing the establishment and administration of developer contribution arrangements. Whilst the concept of developers funding on-site infrastructure in major broadacre subdivisions is well established, a proper legislative basis to levy developer contributions has been lacking, particularly for those items that are unique to a particular development area. Examples of proposed cost sharing arrangements in Cockburn include the funding by subdividers and developers of the construction of Beeliar Drive and the upgrade and construction of Hammond Road.

Council initiated Amendment No. 193 in September 1998, at a time when other metropolitan local authorities were seeking to formalise cost sharing provisions in their Planning Schemes. As a response, the Western Australian Commission, with the assistance of the Land Development Working Group, set about developing a set of model provisions for developer contributions. The model provisions were published by the Commission in Planning Bulletin 41 in July 2000.

Following several changes to the Amendment text, the proposal was granted consent to be advertised for public comment in January 2000. As the release of Amendment 193 for advertising occurred before the publication of the model provisions, the advertising period offered the development industry the first opportunity to review and comment on what effectively were the draft model provisions. The Amendment attracted a rigorous review, leading to Council, at its meeting held on 20 June 2000, adopting Amendment 193 for final approval, subject to a series of modifications.

Submission

The Commission has advised that the Land Development Working Group has yet to consider public submissions on the model provisions published in Planning Bulletin 41 however, the Minister for Planning

considers that the modified Amendment 193 text is generally consistent with the latest draft of the model provisions and can therefore progress to final approval, subject to completion of the minor modification detailed below.

The Commission has recognised that several separate Amendments are awaiting the progression of Amendment 193 and has advised that any additional changes that might result to the model provisions, can be incorporated into the Scheme as part of the Commission's current review of Town Planning Scheme No.3 or by a subsequent amendment.

The required modification simply requires the title of the proposed Tenth Schedule of the Scheme to be amended from "Owner Development Areas" to "Development Contribution Plans".

Report

It is a procedural formality to present this matter to Council, despite the minor nature of the modification required. The modification requires adoption by Council so that the required changes to the Amendment documents can be executed.

The Amendment will result in a more clearly defined process for establishing and administering developer contribution arrangements. Landowners will be made aware of their obligations well in advance of applying for subdivision or development, as a Development Contribution Plan must be advertised for public comment as part of a Scheme Amendment to define a Development Contribution Area and the items of infrastructure to which cost sharing arrangements will apply. The Amendment will provide an equitable method for apportioning infrastructure costs and administering cost sharing arrangements in an accountable and transparent manner.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.6 (OCM1_12_2000) - ENERGY CONSERVATION PROGRAM - LIGHTING IN THE ADMINISTRATION BUILDING (6018) (PS/CB)**RECOMMENDATION**

That Council allocates \$45,000 from the Major Refurbishment Building Reserve Fund, for the purpose of retro fitting the lighting in the Administration Building.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

Part of Council's commitment to the Commonwealth Government's initiative to reduce greenhouse gas emissions through Local Agenda 21 and Cities for Climate Protection, is an ongoing energy reduction program.

Submission

N/A

Report

At present, Council's Administration Office spends approximately \$90,000 per annum on electricity and associated maintenance. For lighting alone, the estimated expense is \$17,948 per annum. With an initial outlay of \$45,000, the Administration Building could be fitted with a more energy efficient lighting system. This would reduce lighting power consumption by 55%, allowing a saving of more than \$10,000 per year.

The Building Services Manager has investigated energy saving devices and determined the best available system. The procedure to reduce lighting costs would involve removing the existing fluorescent lights in the main building and installing a reflective film and electric ballast. This would allow the same light output with the use of only one fluorescent light rather than two. Other measures would include replacing existing conventional fluorescent tubes with triphosphorous tubes, which are more energy efficient and have a longer life thus requiring less maintenance.

The use of these energy saving devices will be a demonstration of Council's commitment under Local Agenda 21, to sustainable development and reducing greenhouse gas emissions.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

Budget/Financial Implications

Funding for the retro fitting of Council's Administration Building would be transferred from the existing Major Refurbishing Building Fund. The payback period for the outlay is just over four years.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.7 (OCM1_12_2000) - AMENDMENT NO. 192 - STRUCTURE PLANNING - MODIFICATIONS TO AMENDMENT TEXT (92192) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the modifications to Amendment 192 as directed by the Hon. Minister for Planning as follows:
 1. modify the amending text to be consistent with the revised draft model provisions agreed by the Land Development Working Group;
 2. modify the Ninth Schedule to delete reference to the specific Development Areas, except those which are currently designated as Urban Development Areas in the Scheme (but not including the land zoned Rural in the Packham UDA); and

3. delete the proposed Amendments in the Scheme Map to identify the specific Development Areas with the exception of those referred to in 2. above;
- (2) forward the modified documents to the Western Australian Planning Commission for the Minister's endorsement.

COUNCIL DECISION

Background

Structure plans are a well-established mechanism used to guide and co-ordinate the layout and pattern of major subdivisional development. Amendment 192 proposes the introduction into District Zoning Scheme No.2, of provisions formalising the procedures involved in the preparation and determination of structure planning proposals. The Amendment also identifies 15 individual Development Areas within the district, where structure plans would be required as a prerequisite to plans for subdivision and development.

Council initiated Amendment 192 in September 1998 at a time when other metropolitan local authorities were seeking to formalise their structure planning provisions in their Planning Schemes. As a response, the Western Australian Commission, with the assistance of the Land Development Working Group, set about developing a set of model provisions for structure plans. The model provisions were published by the Commission in Planning Bulletin 37 in April 2000.

Council was directed to modify the Amendment text to make it consistent with the model provisions. Upon doing so, the proposal was granted consent to be advertised for public comment in January 2000. As the release of Amendment 192 for advertising occurred before the publication of the model provisions, the advertising period offered the development industry the first opportunity to review and comment on what effectively were the draft model provisions. The Amendment attracted a rigorous review, with numerous comments being received. Council adopted Amendment 192 for final approval, with modifications, at its meeting held on 20 June 2000.

Submission

The Commission has advised that the Land Development Working Group has recommended modifications to the model provisions published in Planning Bulletin 37, as a result of submissions received

on the draft provisions and Amendment 192. Accordingly, the Minister for Planning has advised that final approval to the Amendment will not be granted until a series of modifications are completed. The required modifications are as follows:

- (1) Modify the amendment text to be consistent with the revised draft model provisions for structure plans agreed by the Land Development Working Group (See Agenda Attachments);
- (2) Modify the Ninth Schedule to delete reference to the specific Development Areas, except those which are currently designated as Urban Development Areas in the Town Planning Scheme;
- (3) Delete the proposed Development Areas from the Scheme Map with the exceptions of those referred to in (2) above.

The Commission has recognised that several separate Amendments are awaiting the progression of Amendment 192 and whilst it has yet to formally adopt the modifications recommended by the Working Group, it has advised that the modifications represent the most likely outcome in terms of the final form of the model provisions. The Commission has also advised that any additional changes that might result to the model provisions, can be incorporated into the Scheme as part of the Commission's current review of Town Planning Scheme No.3 or by a subsequent amendment.

Report

There are several development areas within Cockburn that are presently subject to structure planning processes (Atwell South and Cells 9 and 10 Beeliar – see Council Minutes 21 November 2000 – Items 14.11, 14.17 & 14.18). The preparation of these plans has closely followed the procedures outlined in the advertised version of Amendment 192/Model Provisions, even though the Amendment had yet to be finalised. The Minister for Planning's intent to progress Amendment 192 to final approval, notwithstanding that the revised model provisions have yet to be formally endorsed by the Commission, is therefore timely and appreciated.

The Commission's response to the issues raised during the public comment period is technically sound however, the effect of some of the changes that Council is being directed to make to the Amendment, is of some concern. In particular;

Structure Plan in context of Zoning

The main advantage of the original Amendment 192 text was the role the structure plan would have in the context of the zoning of the development area. Traditionally, an area would be rezoned to facilitate development, with the zoning pattern being established early in the

development process. The main problem with this approach was that inevitably during the course of fine tuning structure plans and subdivision designs, the layout and structure of the proposed development would change. Major changes to the development layout could often require another Amendment to the Town Planning Scheme, which could lead to delays to development process of approximately 12 months.

The original intent of Amendment 192 was to give force to the structure plan such that modifications to the development layout could be completed without the need for an additional Scheme Amendment. The advantage of the original provisions, was that the structure plan would indicate land use classifications as if it had the force and effect of zoning reflected in the Scheme, but could be more readily amended.

There were concerns raised during the Amendment's public consultation period, about the perception that the structure plan processes might circumvent the Scheme Amendment process and thus deny affected parties the avenues to review proposals in accordance with the provisions of the Town Planning Regulations. The report to Council in June 2000 (See Min 13.7) detailed these concerns and put up arguments in response. In essence, the structure plan is an interim planning mechanism that ensures that subdivision and development is coordinated and managed within a defined framework. The process allows for public input and referral of the proposal to relevant government agencies. It was considered that the process was robust enough to deal with the concerns raised.

It is disappointing that the revised model provisions have "watered down" the status an approved structure plan would have. Under the revised provisions, a structure plan is simply a guide to the layout of the subdivision rather than a device controlling land use as was previously intended. It is therefore fair to state that the Amendment, apart from articulating procedural requirements, provides no enhancement of the status a structure plan over and above that which already exists under current planning practice.

Role of the Planning Commission

Under the original Amendment text, the Commission was to expand its role in the structure plan approval process by being the determining authority of structure plans in a similar way it is with subdivision proposals. Again, there was concerns held by the development industry with this, even though there is a logical nexus between the structure plan and the subdivision process.

Under the revised process, the Commission will need to be consulted on structure planning proposals and will provide advice, however it will not formally approve or adopt a proposed structure plan.

The effect of this change is that the Commission, when considering a subdivision proposal, whilst required to have regard for an approved structure plan, is not bound by the structure plan. This modification simply maintains current practice. This is another example of the watering down of the provisions and the status of the structure plan.

Appeal Rights

Under the original Amendment text, appeal rights were afforded to any structure plan proponent against any discretionary decision of Council or the Commission, in accordance with Part V of the Town Planning and Development Act (that is, an appeal to either the Minister for Planning or the Town Planning Appeal's Tribunal).

Appeal rights have now been limited to the discretionary decisions of Council, but have been extended to allow appeals from all owners who are included in the Development Area to which the structure plan relates. The Commission argue that this removes the need for all owners within the development area to be signatories to the structure plan proposal and avoids fragmented structure plans.

Despite the fact that this change further undermines Council's ability to have control on the final outcome of the structure of a development, it is not an unreasonable provision.

Deletion of Development Areas

It was originally proposed that Amendment 192 would define those remaining areas of the district requiring comprehensive planning. By including land within a "Development Area" and rezoning it to a generic type of zone such as the "Development" zone, a clear indication would be made that a structure plan was required as the principal mechanism to guide development.

Council has been directed to delete all proposed Development Areas from the Amendment, apart from those that already exist as Urban Development Areas in the current Scheme. There is no major objection to the Minister's direction that these areas not be defined as part of this Amendment, as Council can still reasonably require a structure plan be prepared for any area it deems appropriate. Development Areas can be introduced into the Scheme by area-specific Amendment proposals (as is the case with the Success Lakes area – Amendments 206 and 207 and the Atwell South area – Amendment 211) and are also a feature of Town Planning Scheme No.3.

Unfortunately Council has little scope to dispute Ministerial direction to modify the content of a Scheme Amendment once it has progressed to the point of final approval. Discussion is ongoing with officers of the Commission in regards to the effect of the revised provisions on Development Areas within the district, as part of the progression of

Town Planning Scheme No.3. The modified provisions, although not going as far as was originally proposed, are still an improvement to the existing structure planning provisions in District Zoning Scheme No.2. Accordingly, it is recommended that the modifications be adopted and the modified documents be returned to the Commission.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.8 (OCM1_12_2000) - COMPLAINT TO COURT OF PETTY SESSIONS - FAILURE TO CARRY OUT REQUISITIONS OF NOTICE TO BRING BUILDING INTO COMPLIANCE WITH APPROVAL OF COUNCIL - LOT 3 PT, CNR ROCKINGHAM/COCKBURN ROADS, HAMILTON HILL - OWNER: KEE-VEE PROPERTIES (2212274) (VG)

RECOMMENDATION

That Council instruct its solicitor to lodge a complaint in a court of petty sessions against the owner of Lot Part 3, Corner Rockingham Road and Cockburn Road Hamilton Hill, as they have not complied with any of the requisitions in the Notice issued to them by Council on 21 September 2000.

COUNCIL DECISION

Background

A Building Licence was issued for the construction of a drive-through Bottleshop and Store on 7 October 1998.

An inspection was carried out on 1 March 2000 and the building was found to be occupied without first obtaining a Certificate of Classification from Council as required under the Building Regulations.

A Notice was issued under Section 401(1)(b) of the Local Government (Miscellaneous Provisions) Act 1960, for the owners to provide fire fighting equipment required by the approval of the Building Licence.

The requisitions of the Notice have not been completed within the time limit of 35 days from when the Notice was served.

Report

In order to have the requisitions of the Notice complied with, Council must lodge a complaint to a court of petty sessions that the owner has not complied with that Notice.

The Court may order the person on whom the Notice was served, to comply with the requisitions within a time to be fixed by order and may make such order as to costs and incidentals as it thinks fit.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Solicitors fees which may be recouped.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM1_12_2000) - LIST OF CREDITORS PAID (5605) (KL)
(ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for November 2000 as attached to the Agenda.

COUNCIL DECISION

Background

It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

15.2 (OCM1_12_2000) - COOGEE BEACH RESTAURANT/SHOP PROPOSAL - MARKET RESEARCH (3300004) (KJS)

RECOMMENDATION

That Council resolve to commission Patterson Market Research to undertake market research to determine the likely level of community usage of possible restaurants and cafés and similar facilities located at Coogee Beach as required by the Department of Land Administration.

COUNCIL DECISION

Background

Council's position in the past, has been that any Council decisions concerning the lease and development of a new shop/café at Coogee Beach are contingent upon the timeframe for the Port Catherine project, due to the likely inclusion of commercial facilities within the Port Catherine project area.

Submission

The Coogee Beach Progress Association has written to the City seeking progress on the establishment of a shop/restaurant at Coogee Beach.

Report

In mid 1997, Council considered a report concerning the possible redevelopment of the Coogee Beach Shop. The Southern Region Design Partnership report set out three options:

1. Council to Develop and Operate the Site - is discounted because the Council does not have the expertise to operate such a facility, nor does it have the time or resources to manage it efficiently.
2. Ground Lease - is attractive because it does not require the Council to raise significant funds for development (except public

toilets). The Council can control the tender documents and will not be required to maintain the facility.

The disadvantages to Council are that it may have limited control over the design and development of the facility and a limited choice as to the number of potential tenants to operate the facility, because the land is owned by DOLA and vested in the Council.

3. Shell and Core Lease - is best for the Council in the design and construction of the facility and for the scope to negotiate with a range of potential tenants.

The Council's return on investment is maximised and is far greater than for a ground lease.

The disadvantage is the risk of borrowing the funds for the design and development, the time required to manage the documentation and construction and the cost of ongoing maintenance.

The cost of development is estimated to be in the order of \$960,000 including sewerage connection, landscaping and fees.

In view of the financial risks associated with Option 3, staff considered that Option 2 (Ground Lease) was the preferred option.

This concern has been heightened with the prospect of a marina development at North Coogee known as "Port Catherine". The Port Catherine Development would include restaurants and cafes that could steal the clientele of the fledgling Coogee Beach Restaurant/Shop.

The current shop is deemed by DOLA to be ancillary to the recreational nature of the Reserve (ie. it serves the needs of visitors to the Park). An expanded operation (ie. a restaurant/shop) is seen by DOLA as attracting visitors in its own right. DOLA therefore, would require a separate Reserve to be created for the restaurant/shop.

If a shop/restaurant were to be established on the current shop site or at a location within the site A Class Reserve 24306, the Department of Land Administration has indicated that the Council would be required to undertake feasibility and management plans for the reserve and restaurant site.

Because Reserve 24306 is an "A" Class Reserve, any decision to excise off an area for a restaurant/shop requires parliamentary approval. The Department of Land Administration has foreshadowed its requirement that before it would promote such a proposal, Council would have to clearly demonstrate a community need for the facility.

The report by Southern Region Design Partnership did not include any market research on the area surrounding Coogee Beach. The financial modelling conducted by the group, used data drawn from known restaurant areas such as Cottesloe. It is proposed that a survey of Cockburn residents be undertaken to determine whether the modelling is relevant to the Coogee Beach area. The cost of the survey is estimated at \$2,500.

The survey will determine such factors as:

- the frequency with which the respondent attends restaurants/cafes;
- the type of food they prefer to eat;
- the type of establishment they prefer to frequent;
- the level of support for the proposed facility;
- the likelihood of visiting the establishment (on a seasonal basis) in its proposed form and hypothetically if it was to serve the type of food they prefer;
- whether the subsequent establishment of the Port Catherine Development facilities would have greater appeal.

The survey would be designed for a population of 15,000 with enough respondents to establish accurate results plus or minus 10%.

The results of the survey will give valuable information of whether a shop/restaurant should be promoted at Coogee Beach and if a decision is made to go ahead with the proposal, it will assist in the financial considerations of any leases. The information will also be used with any detailed submission to the Department of Land Administration for Reserve amendments.

Strategic Plan/Policy Implications

Key result Area "Facilitating the Needs of Your Community" refers.

Budget/Financial Implications

There are sufficient funds available for the market research report in the current budget in account 116312 (Various Business Plans).

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM1_12_2000) - TENDER NO. 2/2000 (RECALLED) - PUBLIC ABLUTION FACILITY AT NORTH COOGEE (2200418) (2213420) (JR) (WEST) (ATTACH)

RECOMMENDATION

That Council accept the tender from Dalcon Construction Pty Ltd for Tender No. 2/2000 (Recalled) - Public Ablution Facility at North Coogee in the sum of \$110,196 plus GST, which includes a bio-cycle waste water treatment system.

COUNCIL DECISION

Background

At the Ordinary Meeting of Council held on 21 November 2000, it was resolved that Council:

- (1) accept the tender from Dalcon Construction Pty Ltd for Tender No. 2/2000 (Recalled) - Public Ablution Facility at North Coogee in the sum of \$110,196 plus GST, which includes a septic tank and leach drain system; and
- (2) approve the re-allocation of \$35,000 from the Budget item *Replace Manning Park Toilets* (account no. 580755) to the item *Robb Jetty Beach Park Toilet Block* (account no. 580820) and the Budget be amended accordingly.

In this regard, consideration was given to five (5) tender submissions, details of which are included in the Agenda attachment.

Submission

The tender price of \$110,196 adopted by Council, was with using an environmentally-friendly bio-cycle waste water treatment system rather than a septic tank and leach drain system which was priced at \$101,146. In view of the misquoted tender price, a recision notice on Council's decision was submitted.

Advice has also been received from the Department of Commerce and Trade that they will conditionally contribute up to \$40,000 towards the project, the principal condition being that the tender process is consistent with the Local Government Purchasing and Tender Guide produced by the Western Australian Municipal Association.

The lowest tenderer, Shelford Constructions, have also lodged a letter of objection to the tender selection process, indicating that the tender criteria information required to be submitted with the tender, is background information on the company to ensure they have the capacity to carry out the work in a competent and professional manner. As indicated in their tender submission, they would submit this information later if required.

Report

The septic tank system was recommended in the previous report in order to save construction costs and would have been suitable for the low use facility proposed. The wrong tender amount was inadvertently adopted by Council from the previous report (\$110,196 instead of \$101,146). However, with a funding contribution towards the project now being available from the Department of Commerce and Trade and in view of Council's environmental considerations under Local Agenda 21, it is considered that an environmentally-friendly bio-cycle waste water treatment system should be installed as part of the project, which is included in the \$110,196 tender price.

With a contribution of up to \$40,000 towards the project from the Department of Commerce and Trade, there are adequate Council funds currently allocated on the Budget to cover Council's contribution. Consequently, there is now no need for the re-allocation of additional Council funds to support the project.

The Conditions of Tender for this tender required adequate detail to be submitted with the tender response to allow scoring against each criteria in the tender assessment process. Failure to provide the specific information may have resulted in the elimination of the submission from further consideration. In the case of Shelford Constructions, their submission was not eliminated, but they were not scored against the criteria for which they had not provided information in their submission.

The Department of Local Government have sighted the above Conditions of Tender and have advised that a couple of statements may give rise to tenderers interpreting that not all documentation needs to be in compliance with the published information. These are:

- 1.6(6)Alternate and/or non-conforming Tenders may also be lodged by the due time.
- 1.10(6) Consideration of alternative tenders if appropriate.

According to the Department of Local Government, these statements may be interpreted as applying to the Conditions of Tender as well as the Specifications (ie. implying that the tenderer did not have to conform to the Conditions of Tender, in particular not submitting supporting information, if they did not want to). The officer's

interpretation is that these statements only apply to the Specifications. Certainly, the objection from Shelford Constructions did not refer to the statements, but to their offer to submit the information if required.

Shelford Constructions, whose price of \$97,964 was the lowest by \$12,232, did subsequently submit the supporting information and using this information in their qualitative analysis, they would have been the recommended tenderer if they had provided all that information with their tender submission. However, as it is considered that the information was not provided in accordance with the Conditions of Tender, it could not be used in the officer's tender assessment.

Section 18 of Part 4 of the Local Government (Functions and General) Regulations 1996, states that a tender that is submitted at a place and within the time specified in the invitation for tenders, but that fails to comply with any other requirement specified in the invitation, may be rejected without considering the merits of the tender. Tenders that have then not been rejected, are to be considered by the local government and it is to decide which of them it thinks would be advantageous to the local government to accept. Consequently, notwithstanding the qualitative assessment based on information provided with the tender submissions, Council has the authority to select the tender it feels is most advantageous to Council.

Strategic Plan/Policy Implications

A Council Corporate Objective is "To construct and maintain community buildings which are owned or managed by the Council."

Budget/Financial Implications

The project can be funded from the existing Budget allocation with the contribution from the Department of Commerce and Trade.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

16.2 (OCM1_12_2000) - CONTRIBUTION TO NATIONAL ROADS FUNDING CAMPAIGN (5911) (BKG)

RECOMMENDATION

That Council:

- (1) advise the Western Australian Municipal Association that it supports the National Roads Funding Campaign and will contribute financially if the campaign continues with the support of the majority of local governments; and

- (2) contribute up to \$3,500 to the Australian Local Government Association National Campaign for increased road funding if the campaign continues.

COUNCIL DECISION

Background

The Western Australian Municipal Association, in conjunction with the Australian Local Government Association, has lobbied the Federal Government for increased funding for roads in Australia.

Their campaign slogan of "*Fix Australia - Fix the Roads*" has been promoted extensively over the past 3 to 4 years.

A letter has been received from W.A.M.A. requesting Council contribute up to \$3,500 to support the campaign.

Submission

N/A

Report

WAMA, as a member of ALGA, has circulated all its members requesting Council's position on road funding. The three proposals are:

- Supports the National Roads Funding Campaign and will contribute financially;
- Supports the campaign in principle but will not contribute financially;
- Does not support the campaign.

Cockburn Council has over 500 kilometres of roads. The maintenance and improvements to the roads system are a major expense. Many of the roads are used by regional traffic and assistance for their maintenance should come from Federal and State sources. The roads system is also important for the economy of the country and the better the roads system, the more efficient and less energy consuming is the transportation of goods. The majority of the roads system in Australia is under the control of local government and councils Australia-wide, are pursuing more funds for road improvements and maintenance.

The A.L.G.A. advises that they have been successful in lobbying the Federal Government to provide \$1.6 billion over the next 4 years. They state this is well short of the requested level of \$2.456 billion.

They request that local governments throughout Australia contribute financially to the ongoing campaign.

As this is an important issue and the campaign has achieved success in that Cockburn Council has been allocated an additional \$2m for roads over the next 4 years from the Federal Government, it is recommended that Council support the continuation of the campaign and contribute up to \$3,500 if the campaign continues, with the support of the majority of local governments.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to *"Construct and maintain roads which are the responsibility of Council in accordance with recognised standards and are convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

The contribution of \$3,500 to support the national campaign for increased funding for roads can come from Account No. 650500.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

16.3 (OCM1_12_2000) - PRIORITY OF WORKS - GERALD STREET TRAFFIC MANAGEMENT TREATMENT (450037) (BG/JR) (WEST)

RECOMMENDATION

That Council

- (1) not proceed with Gerald Street [Phoenix/Spearwood] traffic management treatment;
- (2) carry out the following works:
 - (a) Account No. 695317 - Spearwood Ave/Doolette St - Modify intersection - Increase from \$30,000 to \$60,000;
 - (b) Account No. 695307 - Bibra Drive [near Lewington] - Upgrade/provide pedestrian crossings - Increase from \$20,000 to \$30,000;
 - (c) Account No. 695312 - Dodd St/Headland Rd -

- Intersection treatment - Increase from \$5,000 to \$10,000;
- (d) Account No. 695304 - Beeliar Dr/Lakeridge Dr - Construct passing lane - Increase from \$35,000 to \$65,000;
 - (e) Account No. 695303 - Beeliar Dr [near Lakeridge] - Construct pedestrian crossing - Increase from \$10,000 to \$25,000;
 - (f) (New) Phoenix Rd/Doolette St - Provide seagull island - \$35,000;
 - (g) (New) Phoenix Rd/Southwell Cres - Provide turning pocket - \$20,000; and
 - (h) (New) Wellard St/Howson Way - Intersection treatment - \$25,000.
- (3) amend the Budget accordingly.
- TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

COUNCIL DECISION

Background

At the meeting of Council on 21 November 2000, consideration was given to approving the expenditure of \$170,000 on traffic management treatments associated with the re-opening of the left turn movement from Phoenix Road into Gerald Street. This is in accordance with the findings of the Uloth Report. It was resolved to acknowledge the Uloth Report and request the Director - Engineering & Works to provide a report, detailing priority of works to the next Council Meeting.

Submission

Cmr Jorgensen referred to the Community Needs Study which indicated that the community considered there to be higher priorities than traffic management measures. He believed it was an issue of priority, whether there were other areas which could use these funds for traffic management.

Report

The following current and proposed projects warrant consideration ahead of the Gerald Street treatments:-

- Spearwood Avenue/Doolette Street - Currently \$30,000 allocated to modify this intersection to make it safer and reduce accidents. Main Roads WA recommend the installation of a large oval roundabout which would require an estimated extra \$30,000 funding.
- Bibra Drive [near Lewington Gardens] - Currently \$20,000 allocated to provide improved pedestrian crossings, particularly for the elderly. The detailed redesign for 2 crossing facilities indicates that this is inadequate and an estimated extra \$10,000 funding is required.
- Dodd St/Headland Rd - Currently \$5,000 allocated for an intersection treatment to reduce the incidence of vehicles cutting the corner at speed and running off the road. The detailed design indicates that widening as well as a traffic island is required at the intersection, requiring an estimated extra \$5,000 funding.
- Beeliar Dr/Lakeridge Dr - Currently \$35,000 allocated to construct a passing lane on Beeliar Drive to accommodate the right turn into the residential development. The detailed design indicates more extensive works than anticipated and the need to also install street lighting at the intersection. An estimated extra \$30,000 funding is required.
- Beeliar Dr [near Lakeridge] - Currently \$10,000 allocated to construct pedestrian crossing facilities. The detailed design indicates more extensive works than anticipated due to 2 bus embayments and the need to light the pedestrian crossing. An estimated extra \$15,000 funding is required.
- Phoenix Rd/Doolette Street - A high turning traffic movement at this intersection coupled with some accidents, supports the need to modify the intersection to more clearly define turning paths for motorists. The estimated cost of a seagull island treatment is \$35,000.
- Phoenix Rd/Southwell Cres - A high turning traffic movement on the crest at this intersection in close proximity to the Phoenix Rd/Doolette St intersection, warrants the need for a complementary intersection treatment, predominantly to accommodate the turning traffic. The estimated cost of a right turn pocket in Phoenix Road is \$20,000.
- Wellard St/Howson Way - Accidents are occurring at this intersection as it is on a crest and regulatory signs are not distinctly visible. A treatment to improve safety at the intersection is estimated to cost \$25,000.

Without additional funding, the construction of some of the projects listed in the recommendation will need to be considered for funding in the 2001/02 Budget. These projects are considered to have a higher priority for increasing safety.

Strategic Plan/Policy Implications

A Council Corporate Objective is *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

Funds have been set aside in the current Budget to undertake traffic management treatments in Gerald Street in conjunction with the re-opening of the left turn from Phoenix Road. These funds can be re-allocated to the recommended works.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM1_12_2000) - DONATION - COMMUNITY POLICING VAN (8950) (DMG)

RECOMMENDATION

That Council donate the sum of \$5,000 towards the fit out costs of a Mercedes 312D High Roof Van purchased by the Fremantle Community Policing (Safer W.A.) Committee, with the funds to be drawn from A/C 171250 (Law Order and Public Safety – Crime “Hot Spot” Funding)

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Early in 2000, the Fremantle Community Policing Unit embarked on a campaign to upgrade its mobile policing facility. Its objective was to

replace its current, dilapidated Toyota Hiace Campervan, which was donated to the Unit in 1983, with a modern Mercedes High Roof Van which was far more functional and roomy, thus enabling the Community Policing programs to be conducted more effectively and efficiently. The total cost of a fully equipped new vehicle was estimated at around \$75,000, including approximately \$23,000 for furniture and equipment.

Submission

That the member local governments whose Districts will be the beneficiaries, become major sponsors of the project and contribute \$5,000 each towards equipment purchases required to make the unit most operationally effective.

Report

The Fremantle Community Police is the local body representing the regional community and residents, with programs aimed at early intervention and crime protection.

The jurisdiction of the Fremantle Community Police covers the local government areas of Melville, Cockburn, Fremantle, East Fremantle and some suburbs within Canning - in total catering to approximately 200,000 people every year.

Community Police is an area of policing that local people can relate to, gain information from and generally feel secure about having in their neighbourhood. Some activities in which the Community Police are involved include:

- Visits by the Crime Prevention Unit to over 65 retirement villages on a regular basis, giving talks and demonstrations on personal safety.
- Promotion of programs that run under the auspice of the Neighbourhood Watch.
- Visits to shopping centres and to promote Neighbourhood Watch within the community.
- Attending engraving days and setting up displays centered on obtaining new participants and volunteers.
- Visits to the five large and ten smaller shopping centres within the catchment area.
- Participation at local community fairs held throughout the year with displays on relevant topics such as drug prevention aimed at school children and road safety.

- Visits to local schools in the area to educate on the prevention of drug abuse and information on GURD (a strategy which is part of the State Government's comprehensive approach to drug abuse).
- "Project Deadlock" which deals directly with seniors.
- Youth liaison and truancy programs.
- Liaison with local Drug Action Groups.
- Security appraisals to households within the community.

All of these activities require the Unit to travel around the region and be seen as an informative, secure element in today's society.

The Fremantle Community Police previously had an old van to maintain a general community presence, spread their message, share information and promote displays and programs within the allocated districts. Through a private sponsorship arrangement, it has been able to negotiate the provision of a new Mercedes High Roof Van. In addition, the W.A. Police Service will provide fuel supplies for the vehicle.

The new van will need to be equipped with storage space for information pamphlets and other display materials, pamphlet holders on the rear doors to assist in the provision of information during displays, frames to hold tables and a generator, cargo barrier behind the front seats to protect the driver and passenger, a power inlet with safety switch which will be used during displays, a pull out television and video holder to secure the equipment used for audio visual display sessions, rubber floor mats and sound insulation.

Other equipment to be provided will include an awning to provide shelter for volunteers and Police Officers, a television video (68cm) and stereo to assist the visually and hearing impaired at displays and talks and floodlights for night time displays.

All this is designed to enhance and provide information to the public in a manner that is easy to obtain and with safety in mind.

To achieve this, the St John of God Foundation along with the Fremantle Community Policing, is asking for Council assistance. This can be as either a major sponsor of this vehicle or a supporting sponsor.

MAJOR SPONSOR

Major sponsors are those contributing \$5,000 or more towards this project. The major sponsor's logo will be placed on the vehicle (in a designated area) and on the sponsor's display board which would be

displayed at every event attended by the Fremantle Community Police. Acknowledgement will also be included in any related media statements.

SUPPORTING SPONSOR

Supporting sponsor's benefits would include logo on the sponsor display boards which will be displayed at every Fremantle Community Police activity and acknowledgement in supporting literature promoting the Fremantle Community Police (i.e. media activities in the local press).

It is recommended that Council support this submission as it has a cost neutral effect on Council's budget, owing to Government funding being attracted to fund a program which had previously been budgeted as Council expenditure.

In addition, with safety and security featuring high on the list of priority issues within the community, supporting such an initiative is considered to be an appropriate response in addressing some of these community concerns.

Strategic Plan/Policy Implications

Corporate Strategic Plan Key Result Area "Facilitating the Needs of Your Community" Refers.

Budget/Financial Implications

One of the programs which was identified as being considered worthwhile to support as part of Council's Safer City Program, was a program entitled "Black Pearl" – the objectives of which is to provide young "at risk" people with the opportunity to engage in self esteem activities such as modelling and public performances. \$5,000 of Council's Safer City Budget was tentatively allocated for this purpose.

However, Council was successful in obtaining a \$5,000 Government Grant for this program, which effectively left this account with an unallocated amount of the same value. Therefore by supporting this proposal, there will be no impact on Council's budget expenditure.

Implications of Section 3.18(3) Local Government Act, 1995

The State Government, through the W.A. Police Service, is responsible for general crime, law and order issues. However, with the concentration of Police activities now applied to matters deemed "high risk", the prioritisation of lower level policing functions has decreased in recent years. Consequently, programs such as Community Policing, which focus on matters of lower level crime and security issues and

which impact at a general community level, are being devolved for local communities to initiate.

17.2 (OCM1_12_2000) - SOUTHERN DISTRICTS INLINE HOCKEY HIRE AGREEMENT FOR USE OF THE JOE COOPER RECREATION CENTRE (8140) (DMG) (ATTACH)

RECOMMENDATION

That Council advise Southern Districts Inline Hockey Club that:-

- (1) it is prepared to enter into a hire arrangement with the Club for the use of the Joe Cooper Recreation Centre for the period 1 January 2001 to 31 December 2002, at an annual rate of \$26,118.30 (excluding GST), incorporating a 10% subsidy from the City pursuant to Council's Community Hall Fee Subsidy Policy; and
- (2) it will not financially support an extension of the Joe Cooper Centre however, the City would encourage and support further discussions with the Cockburn Basketball Association for the joint use and cost sharing of the Wally Hagan Stadium facilities and possible extensions.

COUNCIL DECISION

Background

The current hire agreement of the Joe Cooper Recreation Centre for the Southern Districts Inline Hockey Club expires on the 31st December 2000. The previous hire charge was determined by establishing a negotiated hourly rate of \$18.00 for use of the facility over 129 hours per month for 12 months of the year totalling \$27,864.00.

This negotiated position effectively resulted in the Centre being established for the principal use of the Club. However, in recognition of the Club accepting that other long term users of the Centre were still required to be accommodated in the building to allow their activities to continue, a reduction in the fee which would normally apply for exclusive use hourly hire of the facility was negotiated, resulting in the rate of \$18.00 per hour for approximately 30 hours per week being set. While this is approximately a 50% reduction in full fee applicable to the hire areas required by the Club, it was considered a reasonable position, given that other tenants were co-existing with the Club – a position which was less than ideal for its circumstances.

The Southern districts Inline Hockey Club was successful in obtaining a 10% subsidy pursuant to Council Policy from the City, resulting in the annual fee equalling \$25,077.60. In June 2000, the GST was applied to the annual fee resulting in the fee equalling \$27,585.40.

The Southern Districts Inline Hockey Club has been in a hire agreement with the City since 1998 and has been responsible for the majority of income and utilisation of the Joe Cooper Recreation Centre. The annual hire fee of the club accounts for over 55% of the Joe Cooper Recreation Centre's income.

Submission

Request from the Southern Districts Inline Hockey Club for Council to reduce the allocation of hire fees for a 12 week period due to minimal utilisation of the facility during the holiday vacation periods.

Report

Throughout recent discussions with the Inline Hockey Club, the club has requested that the 12-week period allocated to school holidays throughout the year be excluded from the hire agreement and thus corresponds to an appropriate reduction in the hire fee. Throughout the past two years, the club has had limited, if any, use of the Joe Cooper Recreation throughout holiday periods and yet is responsible for usage costs. By eliminating 12 weeks of centre usage from the hire agreement, the annual usage fee will equal \$22,100.00. The effect of eliminating the 12 weeks hire fees from the Inline Hockey Club would decrease the centre's annual income by \$5,485.40. All relevant conditions in the current hire agreement and requirements for the maintenance of the floor will be carried forward in the January 1st 2001 – December 31st 2002 hire agreement

The basis of the Club's submission is that the original negotiations in 1998 (for a 52 week per annum hire arrangement) were on the basis that Council's income generating capacity from the Centre would be reduced because of the Centre being fitted out for In-line hockey purposes only. However, the Club is assessing that the Centre would be unlikely to attract many, if any, regular users for the periods not required by it. Their claim has some justification as Council's Community Service programs have been the only regular users of the Centre during these periods. However it is not considered that this factor alone should be a reason for supporting the Club's submission which would result in a further 23% reduction to the Club's Fee.

While the Club has expressed an intention to seek premises more suited to its activity, it has been unable to do so and the fact that the Joe Cooper Centre is not entirely appropriate, has been recognised in the rate the Club has been paying for the past 2 years.

The Club claims that interest and participation in the sport is widening, which is one of the reasons it wishes to extend the area of the premises. It follows that the Club should be benefitting from an increased membership base. Therefore, it is considered reasonable that Council's original negotiated annual rate continue to apply, plus an increase to reflect the Consumer Price Index (CPI) for the past two years. It should also be acknowledged that this figure retains the 10% subsidy for the entire duration of the agreement over the next 2 years and will not include the CPI increase for 2000/01, which is expected to be greater than 7% as a result of GST.

In summary and taking all things into consideration, it is considered that a hire fee based on the following calculation for the duration of a two year arrangement, is reasonable.

Base Fee (as negotiated in 1998)	\$27,864.00
Less 10% subsidy (pursuant to Council's Community Hall Fee Policy)	\$2,786.40
SUB TOTAL	\$25,077.60
Plus C.P.I. increase for 98/99 and 99/00 of 4.15% (cumulative)	\$1,040.70
TOTAL	\$26,118.30

Note: G.S.T. of 10% is also payable by the Club on this amount.

Recently, the Inline Hockey Club initiated talks concerning the possibility of constructing a larger playing area in order to meet National Inline League Standards and address the growing needs of the Club and the sport itself. Discussions have begun with the Cockburn Basketball Stadium and the Inline Hockey Club in order to investigate the possibility of extensions and joint management of the Wally Hagan complex. It is believed that this is the best possible facility scenario for both clubs. The option to upgrade the Joe Cooper Recreation Centre is not recommended for the following reasons

- Rationalisation potential of the City of Cockburn's Infrastructure assets (the Joe Cooper Recreation Centre and Wally Hagan Basketball Stadium).
- Poor location of facility as it is not located on or within sight of major transport infrastructure.
- Due to the age of the facility, significant maintenance will be required in the short term future.
- Requirement of approximately \$130,000 to meet general and disability access standards as outlined in Bernard/Seeber Architect's independent report.

- Excessive estimated costings for extension of Joe Cooper Recreation Centre to meet the Inline Hockey Club requests.

It is the administration's view that no financial contribution from the City be expended on extensions for the Joe Cooper Recreation Centre. Administration would prefer Inline Hockey Club to continue discussions with the Cockburn Basketball Association for the joint use and shared management of the Wally Hagan Facility.

The Cockburn Basketball Association is committed to future discussions and shared management of the Wally Hagan Facility as outlined in Agenda Item 17.1 in the November 2000 Ordinary Council Meeting. (see attached)

Strategic Plan/Policy Implications

- Managing Your City
"To deliver resources and manage resources in a way that is cost competitive without compromising quality"
- Facilitating The Needs Of Your Community
"To Facilitate and Provide an optimum range of Community Services"

Budget/Financial Implications

Increase of \$1,040.70 p.a. to Joe Cooper Recreation Centre income or a reduction of the Centre's income by \$5485.40, if the Club's submission was accepted.

Implications of Section 3.18(3) Local Government Act, 1995

Joe Cooper Recreation Centre operates in the competitive environment of leisure facility management. This activity could be provided by a competing facility in either the private or public sector however, it is doubtful that the subsidy offered by Council would be available if the program operated from a commercial facility.

17.3 (OCM1_12_2000) - BEELIAR (PANORAMA GARDENS) (9519) (RA)

RECOMMENDATION

That Council:

- (1) call tenders for a (1) one year 35 hour per week security patrol contract for the area known as Panorama Gardens Beelihar for the period 1 July 2001 to 30 June 2002;
- (2) on the identification of the preferred tenderer, advise the

property owners of the calculated cost per week for the security patrols and seek the owners agreement to pay a Council rated service charge to fund the patrols;

- (3) proceed to formalise a contract with the preferred tenderer as of 1 July 2000 for 1 year, should the response rate in agreement to pay the service charge, be greater than 50% of property owners in the area (other than the Ministry for Housing' whose property vote shall be considered as one); and
- (4) impose a service charge on the affected land owners, equivalent to the total cost of the tender, divided equally among the land owners receiving the service, pursuant to Section 6.38 of the Local Government Act, 1995.

COUNCIL DECISION

Background

Council, at its meeting of 21 November 2000, resolved to support the concept of a 12 month trial of security patrols for Panorama Gardens subject to a report on the financial options including a security patrol levy being available for the next meeting of Council. This Council decision was based on a report prepared by officers of Council following a 3-month trial of security patrols in the Beeliar (Panorama Gardens) funded by the Ministry of Housing in conjunction with joint venture partners, the Property Resource Group.

Submission

N/A

Report

The intent of the previous Council decision was to address the specific desires of the Panorama Gardens portion of the suburb of Beeliar. This being the case, the clear indication from the 36% of the householders who responded to the survey carried out on the trial security patrols, was as follows:

- 54.7% wished to have 35 hours per week of security patrols which is the level provided in the trial and were prepared to pay \$57.20 per year at the current residential level and \$28.10 when the area is fully developed.

- 41.75% wished to have 60 hours per week of security patrols and were prepared to pay \$98.80 per year and \$45.25 per year when the area is fully developed.
- 16.75% wished to have 24 hours per day (ie. 168 hours per week) of security patrols and were prepared to pay \$260.00 per year and \$122.20 when the area is fully developed.

On the advice of the joint venture partners, the Property Resource Group, there are currently 450 houses occupied with a total of 508 completed or under construction in the area in question. The Property Resource Group advises that the Ministry of Housing is prepared to contribute toward the cost of security for the balance of the lots up to a maximum of 700. Therefore, it can be considered that there are 700 'rateable properties' in the area.

There is however, a number of issues that may well arise should Council agree to go ahead with the funding of a trial security patrol for Panorama Gardens Beeliar, irrespective if the patrols are funded by a levy or from municipal funds.

There are in the vicinity of 26,000 rateable properties within the City of Cockburn, with the proposed Beeliar trial only serving 450 properties. There may be a call from groups and individuals in other suburbs requesting consideration be given to security patrols for their area, or at least a survey be carried out in their area to seek views on security patrols. If security patrols are effective, it could be argued or there could be the perception that perpetrators of crime would move to an adjoining suburb hence increasing the pressure for security patrols in another suburb.

In addition, an ad hoc process in which security patrols are considered on a suburb by suburb basis, could lead to a number of different contracts to different firms for different periods at different rates.

The opportunity to implement security alternatives such as on call patrol 'hot spot call outs' could be missed or made difficult to implement due to new community expectation to retain an existing service.

The comprehensive Security Audit carried out by the City in September 1999, found that the majority of residents did not wish to have security patrols. On the basis of this comprehensive study, the Council set about funding and implementing a number of pro active crime prevention initiatives such as initiatives for young people, property identification program, seniors crime awareness program and the crime hot spots clean up program. There is \$100,000 already committed to these initiatives in the Council budget. Council has made a conscious and considered decision to address crime issues in this way and it will be a substantial shift in direction, to move toward the introduction of security patrols.

In the recently completed Community Needs Survey, early indications are that the community seek to have a 'hot spot' type of patrol, that is where there is a service available on call to address security and related matters as opposed to a random constant patrol covering the whole city. This approach is also substantially cheaper than the full patrol option.

Strategic Plan/Policy Implications

Strategic Plan Item 5.3 refers to "Municipal Law and Public Safety".

Budget/Financial Implications

There are no readily identifiable funds available within the current budget for security patrols in Panorama Gardens. The funds would need to be found by reducing or deleting a currently budgeted activity or project. The alternative is to impose a service charge under section 6.38 of the Local Government Act. Whilst it is possible under the terms of the Local Government Act to impose this differential rate outside of the normal rate period, it does generate some administrative difficulties. Should Council decide to impose a levy on the area, it is suggested this be instigated within the normal rates period that occurs in August although the service would operate from July 2001. As this is a rapidly developing area, there will be new houses being occupied that would reasonably be expected to contribute to the security patrols on a pro rata basis from the date of occupancy.

The Property Resource Group tendered for the security patrol contract in May 2000 for a contract for 3 months. The hourly rates quoted ranged from \$22.70 to \$37.24 inclusive of GST, which for a 35 hour per week service for 1 year, ranges between \$41,314 to \$67,777 inclusive of GST. For 700 properties, the rate per property is then \$59.02 to \$96.82.

It must be noted that under the Local Government Act, Council is required to call an open tender where it can reasonably be expected that tender quotations will be greater than \$50,000.

Implications of Section 3.18(3) Local Government Act, 1995

The Western Australian Police Force currently has responsibility for the protection of Life and Property, the prevention and detection of Crime and crime prevention through Safer WA, Community Policing and Neighbourhood Watch.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the

State or any other body or person, whether public or private;
and

- (c) managed efficiently and effectively.

25. CLOSURE OF MEETING